

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

KIMBERLY S. BYRD

PLAINTIFF

v.

No.: 3:20-cv-309-JMV

**KILOLO KIJAKAZI,
Commissioner of Social Security**

DEFENDANT

ORDER

Before the court are the Plaintiff's motion [33] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and the Defendant's response [34]. For the reasons that follow, the motion will be granted.

In these proceedings, Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment, dated November 5, 2021, this court remanded this case to the Social Security Administration for further proceedings. The Plaintiff now seeks attorney fees in the amount of \$4,611.60 for 24.4 hours of attorney time before this court on the grounds that Plaintiff was the prevailing party and the Commissioner's position was not substantially justified. The Commissioner does not oppose the requested award but insists the award be made payable directly to Plaintiff pursuant to *Astrue v. Ratliff*, 560 U.S. 586 (2010).

The court, having thoroughly considered the motion, response, and the applicable law, finds the requested award is reasonable; and no special circumstance would make the award unjust. Further, the award should be made payable to Plaintiff and mailed in the care of Plaintiff's counsel, consistent with the Commissioner's general procedure in accordance with the Supreme Court's decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010).

THEREFORE, IT IS ORDERED:

That the Commissioner shall promptly pay Plaintiff \$4,611.60 in attorney fees for the benefit of counsel for Plaintiff.

SO ORDERED this, the 20th day of January, 2022.

/s/ Jane M. Virden

UNITED STATES MAGISTRATE JUDGE